

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ZACHARY ZEFF, an individual, on behalf
of himself and on behalf of others similarly
situated,

Plaintiff,

v.

GREYSTAR CALIFORNIA, INC., a
Delaware Corporation,

Defendant.

Case No. 3:20-cv-07122-EMC

**ORDER RE SUPPLEMENTAL
BRIEFING**

Docket No. 131

The Court has reviewed the motion for preliminary approval and orders that the parties file a joint supplemental brief on the issues identified below and revise specific language in the settlement agreement as indicated. If the parties have different views on any issue, they can simply provide their respective positions in the joint filing. A party may also indicate that it takes no position on any issue. The supplemental briefing shall be filed within a week of the date of this order, on 7/5/2024 at 4:00 PM.

A. Value of the Case

The Court has three questions regarding the value of the case:

- (1) Does Greystar have records of how it calculated its late rental fee, or any records that it conducted fee reviews?
- (2) Does it have records of how it calculated actual damages incurred from late rent?
- (3) What are the anticipated risks of class certification?

B. Distribution of Funds

The Court has three questions regarding the distribution of benefit funds:

(1) Does Greystar have a record of Class Members' bank information that it can now use to direct deposit claim benefits?

(2) If so, why must the Class Members fill out a form on the website to receive the claim benefit electronically?

(3) Will Class Members have a way to contact the Settlement Administrator regarding any issues with claiming funds?

C. Attorney's Fees

The Court requests supplemental briefing regarding the attorney's fees calculation:

(1) Provide an estimate of hours incurred for each major litigation task.

(2) Provide an hourly rate for attorneys and legal staff.

D. Settlement Agreement Terms

1. Website and Toll-Free Telephone Number

The website and toll-free telephone number for Class Members to obtain more case information should be included in the actual terms of the settlement agreement.

E. Opt-Out

The Court finds it suitable that Class members have 45 days to opt-out or object after Notice, but questions if it is necessary to include "or 60 days after preliminary approval order"? Docket No. 131 at 23 (Motion for Preliminary Approval).

F. Proposed Notice

The Court has the following comments on the collective/class notice and related documents:

1. General Language

The language should be modified in the following ways:

(1) The Proposed Notice, Docket No. 131-2 Exhibit A, should add at the top of page 1 in all capital letters:

YOU ARE A CLASS MEMBER AND SHOULD READ THIS NOTICE

CAREFULLY BECAUSE IT WILL AFFECT YOUR LEGAL RIGHTS AND YOU

MAY BE ENTITLED TO MONETARY AWARD. YOUR ESTIMATED AWARD IS

1 \$.

2 The estimated award amount will be based off of the Class Member Data File that
3 Greystar will provide the Settlement Administrator. Settlement Agreement 9-10.

4 (2) The notice language on page 4, under “Method of Payout (and instructions for
5 electronic payments):” should be revised from:

6 All Settlement Class Members will receive a Benefit Payment
7 without needing to make a claim. Settlement Class Members will
8 have the option to receive their Benefit Payment electronically, such
 as via electronic bank transfer, PayPal, Venmo, or via other options
 as determined by the Settlement Administrator.

9 To the following:

10 All Settlement Class Members will receive a Benefit Payment
11 without needing to make a claim, **unless they wish to receive their**
12 **Benefit Payment electronically,** such as via electronic bank
 transfer,
13 PayPal, Venmo, or via other options as determined by the
 Settlement Administrator....

14 (3) Similarly, on page 5, the section on “Your Options Regarding this Class Action
15 Settlement”: “I. First Option: Do Nothing and Receive an Individual Benefit Payment
16 if the Settlement Becomes Final and Binding,” the Notice should add:

17 You do not need to do anything to participate in this Settlement
18 **unless you wish to receive an individual Benefit Payment by**
 electronic bank transfer as opposed to a paper check to your last
 known mailing address.

19
20 **IT IS SO ORDERED.**

21
22 Dated: June 28, 2024